

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
July 17, 2006

**D048022      In re Angelina G., a Juvenile**

The judgments are affirmed. Haller, Acting P.J.; We Concur: McDonald, J., McIntyre

**D048602      In re Jones on Habeas Corpus**

The petition is denied.

**D045270      Hagen et al. v. La Jolla Bank**

**D046132      Hagen et al. v. La Jolla Bank**

The judgment is affirmed, but the order awarding the Bank its attorney fees against Lynda Hagen is reversed. Each party is to bear its own costs on appeal. McIntyre, J.;

We Concur: Huffman, Acting P.J.; Nares, J.

**D046434      People v. Torres**

The sentence is modified to strike the third prison prior. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting the modification and send a certified copy thereof to the Department of Corrections. Huffman, J.;

We Concur: Benke, Acting P.J., Haller, J.

**D044226      FF Orthotics, Inc. et al. v. Paul et al.**

The judgment is reversed. Each party shall bear its own costs on appeal. McDonald, J.;

We Concur: Huffman, Acting P.J., Nares, J.

**D047147      In Re the Marriage of Rosenblum**

Order affirmed. Linda to recover her costs on appeal. <sup>4</sup>

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<sup>4</sup> The trial court is directed to determine whether, in addition to her costs on appeal, Linda should recover the attorney fees she incurred on appeal and the amount of any such recovery.

Benke, Acting P.J.; We Concur: Huffman, J., Haller, J.

**D047278      McLaughlin v. Department of Motor Vehicles**

The judgment is affirmed. The DMV is entitled to costs on appeal. McDonald, J.;

We Concur: Nares, Acting P.J., McIntyre, J.

**D048639      In re Joseph Sherman**

The petition is denied.

**D048638      In re Hunter on Habeas Corpus**

The petition is denied.

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DIVISION ONE  
July 17, 2006(Continued)

**D048989      In re Jessica R., a Juvenile**

This matter has been considered by Associate Justices McDonald, Huffman and McIntyre. The notice of appeal filed on July 11, 2006, challenges an order dated May 18, 2006 and an order dated June 7, 2006. This court has already ruled on the challenge to the former order in case number D048741. The appellants are not aggrieved by the latter order. The case is dismissed.

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July 18, 2006

**D048149      Zarrabian v. Albertson's, Inc., et al.**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

**D045984      Thoryk Architecture, Inc. v. Trans West Housing, Inc., et al.**

The judgment is reversed and the matter remanded with directions to the trial court to vacate the judgment and enter a new judgment in favor of Trans West. Trans West is awarded its costs on appeal. McIntyre, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

**D047519      Santucci v. Group legal Services, Inc., et al.**

The order is reversed and the matter remanded for further proceedings consistent with this opinion. Santucci is awarded his costs of appeal. McIntyre, J. We Concur: Nares, Acting P.J., Irion, J.

**D047044      Gomez v. Drake Transport, Inc., et al.**

The order is affirmed. Drake shall recover costs on appeal. McDonald, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

**D048660      Henkel Corporation v. The Superior Court of San Diego County/Advanced Applied Adhesives Corporation**

The petition is denied.

**D048832      Becker v. LaSalina Mobile Village et al.**

Pursuant to California Rules of Court, rule 8, the appeal filed June 9, 2006, is dismissed for appellant's failure to timely designate the record.

**D046798      People v. Thompson**

The judgment is affirmed. Irion, J.; We Concur: McIntyre, Acting P.J., O'Rourke, J.

**D048137      In re Alyssa O., a Juvenile**

The order is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., McIntyre, J.

**D048293      People v. Tesch**

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 30.3).

**D048808      Hacker v. Lee et al.**

Pursuant to California Rules of Court, rule 8, the appeal filed June 2, 2006, is dismissed for appellant's failure to timely designate the record.

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July 19, 2006

**D047701      In re S.M., a Juvenile**

The appeal is dismissed as moot. Aaron, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

**D048641      In re Thompson on Habeas Corpus**

The petition is denied.

**D047945      In re Destiny B., et al., Juveniles**

**D048542      In re K.B. on Habeas Corpus**

The petition for writ of habeas corpus, *In re K.B.*, D048542, is consolidated with the appeal *In re Destiny B.*, D047945, for disposition.

**D047945      In re Destiny B., et al., Juveniles**

**D048542      In re K.B. on Habeas Corpus**

The judgment terminating parental rights is reversed and the case is remanded to the juvenile court with directions to order the Agency to inquire into the children's American Indian heritage and comply with the notice provisions of the ICWA, the relevant case law interpreting the ICWA, and rule 1439, and to file all required documentation with the juvenile court for its inspection. If, after proper notice, a tribe claims Destiny and U.B. are Indian children within the meaning of the ICWA, the juvenile court shall proceed in conformity with all provisions of the ICWA and applicable state law. If no tribe claims the children are Indian children, the juvenile court shall reinstate its findings and orders terminating parental rights. (See *In re Francisco W.*, *supra*, 139 Cal.App.4th at p. 711.) O'Rourke, J.; We Concur: Haller, Acting P.J., McIntyre, J.

**D045154      Buell-Wilson et al. v. Ford Motor Company et al.**

**D045579      Buell-Wilson et al. v. Ford Motor Company et al.**

(Consolidated) The judgment is affirmed in all respects except as to the award of noneconomic damages to Mrs. Wilson and punitive damages to the Wilsons. The award of noneconomic damages to Mrs. Wilson and punitive damages to the Wilsons is reversed and remanded for retrial on the issue of the amount of noneconomic and punitive damages, unless the Wilsons shall, within 30 days from the date this opinion is filed, file with the clerk of this court and serve upon Ford the Wilsons' written consent to a reduction of Mrs. Wilson's noneconomic damages award to \$18 million and the Wilsons' punitive damage award to \$55 million, in which event the judgment will be modified to award the Wilsons noneconomic and punitive damages in that amount, and which will result in a total reduced award of \$82,606,004 (\$4,606,004 in economic damages + \$18 million in noneconomic damages + \$5 million in loss of consortium + \$55 million in punitive damages), and in which event the judgment will be affirmed in its entirety, as modified. (Cal. Rules of Court, rule 24(c).) (CERTIFIED FOR PUBLICATION) The parties shall bear their own costs on appeal. Nares, J.; We Concur: McConnell, P.J., Irion, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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DIVISION ONE  
July 19, 2006 (Continued)

**D047271      People v. Correa**

The dog possession condition of probation is modified to provide as follows: Defendant may not keep at his place of residence any dog that he knows or reasonably should know has violent propensities and may endanger the safety of others. In all other respects, the judgment is affirmed. McDonald, J.; We Concur: Haller, Acting P.J., Aaron, J.

**D048061      In re D.B., a Juvenile**

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McDonald, J.

**D046822      Escamilla v. California Department of Corrections**

The opinion filed June 29, 2006, is ordered certified for publication.

**D048384      In re T.H., a Juvenile**

The judgment is affirmed. Haller, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

**D048779      Carolina C. v. Superior Court of San Diego County/San Diego County  
Health and Human Services Agency**

The attorney for petitioner Carolina C. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

**D048848      Cynthia G. v. Superior Court of San Diego County/San Diego County Health  
and Human Services Agency**

The attorney for petitioner Cynthia G. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

**D046582      People v. Misa**

It is ordered that the opinion filed June 21, 2006, is modified. (No Change in Judgment) The petition for rehearing is denied.

**D048722      7-Eleven Inc., et al. v. Jerry Jolly/Alcoholic Beverage Control Appeals Board**

The petition is denied.

**D048731      7-Eleven Inc., et al. v. Jerry Jolly/Alcoholic Beverage Control Appeals Board**

The petition is denied.

**D048446      In re Harmonie R., a Juvenile**

Appellant Gregory R. has failed to file a brief after notice given pursuant to California Rules of Court, rules 17(a)(1), 37.3(b)(5), and 37.4(a)(2). The appeal is dismissed as to Gregory R. only.

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**D048637      In re Galinski on Habeas Corpus**

The petition is denied.

**D048665      7-Eleven Inc., et al. v. Jerry Jolly/Alcoholic Beverage Control Appeals Board**

The petition is denied. The stay issued May 30, 2006 is vacated.

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**D048118      In re Janeen H., a Juvenile**

The appeal is dismissed.

**D046868      Carroll et al. v. Superior Court of San Diego County/Pacific Specialty Insurance Company et al.**

The pending petition for writ of mandate, Carroll et al., v. Superior Court (D046868) is consolidated with the pending appeal, Carroll et al. v. Pacific Specialty Insurance Company (D046635).

**D046635      Carroll et al. v. Superior Court of San Diego County/Pacific Specialty Insurance Company et al.**

The trial court's April 18, 2003 order compelling arbitration of Carroll's bad faith claim is reversed. On remand, the trial court shall modify the April 18, 2003 order by vacating the court's dismissal of the action. Appellant is to receive costs on appeal. Carroll's petition for a writ of mandate is denied as moot. Aaron, J.; We Concur: Benke, Acting P.J., Huffman, J.

**D045911      Justice v. Dubois**

The appeal is dismissed and the case is remanded to the trial court. On remand, Justice may request that the trial court enter a judgment in the case. To the extent the trial court concludes that no further issues remain to be adjudicated, the court shall enter a judgment. To the extent the trial court concludes that there are issues that remain to be adjudicated, it shall adjudicate those issues as appropriate. Dubois is entitled to costs on appeal. Aaron, J.; We Concur: Benke, Acting P.J., Huffman, J.

**D048161      Jaclyn S. et al. v. The Superior Court of San Diego County/San Diego County Health and Human Services Agency**

Let a writ of mandate issue directing to juvenile court to vacate the orders of February 27, 2006, terminating James's reunification services and setting a section 366.26 hearing as to Isaiah. The court is directed to order six more months of reunification services for James. In all other respects the petitions are denied. This opinion is final as to this court 10 days after the filing date. (Cal. Rules of Court, rule 24(b), (c).) The stay issued by this court on June 15, 2006, is vacated. McIntyre, J.; We Concur: Huffman, Acting P.J., Nares, J.

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July 20, 2006

**D048184      In re Mitchell N. a Juvenile**

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., McIntyre, J.

**D048195      In re Heidi G., a Juvenile**

The orders are affirmed. Nares, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

**D048987      Salgado et al. v. Superior Court of San Diego County/Wright**

The petition is denied.

**D047876      People v. Sanchez et al.**

The judgments are affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., Nares, J.

**D048941      Bacon v. The Superior Court of San Diego County/People**

The petition is denied as moot.

**D048672      In re Haithcock on Habeas Corpus**

The petition is denied.

**D047751      Fackenthall v. La Blanc**

Appellant has failed to file a brief. The appeal is dismissed.

**D048944      Angel Q. et al. v. Superior Court of San Diego County/San Diego County  
Health and Human Services Agency**

The attorney for petitioner Jason B. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case as to Jason B. is dismissed.

**D048601      In re Trippe on Habeas Corpus**

The petition is denied.



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July 21, 2006

**D047470      In re the Marriage of Erickson and Simpson**

The order is affirmed. Appellant to bear respondents' costs on appeal. CERTIFIED FOR PUBLICATION.

**D047104      In re Patrick Z., a Juvenile**

The order declaring Patrick a ward of the juvenile court is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Aaron, J.

**D048814      Maria R. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Maria R. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

**D048485      People v. Galloway**

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 30.3).

**D048788      Latrone F. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned. The case is dismissed.

**D049034      Sharp Memorial Hospital v. Superior Court of San Diego County/Segura et al.**

Pending further order of this court, the trial court's order of July 14, 2006 requiring production of Sharp's incident reports and/or quality variance reports is stayed.

Real parties are directed to file an informal response to the petition on or before July 31, 2006.

CSR Gaylene Graves is directed to provide this court with a reporter's transcript of the hearing held in Department 61 on July 14, 2006, on or before July 28, 2006.

**D048461      Jorgelina G. v. Superior Court of San Diego/San Diego County Health and Human Services Agency**

The Welfare and Institutions Code section 366.26 hearing scheduled for August 8, 2006, is stayed pending further order of this court.